

July 30, 2019

2:00 pm

Notes from EPA & Mississippi DEQ FY2020 Inspection Planning Conference Call Meeting

EPA Region 4

César A. Zapata, Acting Branch Chief AEB

Todd Russo, Section Chief, AEB

Jason Dressler, Acting Section Chief, AEB

Kevin Taylor, Note Writer

Todd Groendyke

Mississippi Department of Environmental Quality (MDEQ)

Tim Aultman, Chief, Environmental Compliance and Enforcement Division (ECED)

Jay Barkley, Air Program Technical Manager, ECED

Tyler Hardy, Chief, Air I Branch, ECED

Michelle Clark, Chief, Air II Branch, ECED

Chad LaFontaine, Chief, Air Division

Melissa Fortenberry, Chief, New Standards Section, Air Division

The discussion led with introductions. César Zapata greeted the DAQ and APCD teams and noted his role as acting branch chief for the AEB. Jason Dressler noted his role as acting section chief for the AEB. Todd Russo discussed the reorganization and some of the new areas, such as EPCRA, Asbestos, CERCLA, that are now with the AEB.

Todd Russo described the conversion from the NEI to the NCI and outlined the three NCI areas of focus for the FY20-23 time period.

1. The first area was Creating Cleaner Air..., which was shortened to Reducing Excess Emissions. This area will focus on reducing VOC emissions in nonattainment areas and reducing HAP emissions. AEB will continue to work in the areas that have been recently investigated. The first area is NESHAP 6B, which has been an area that AEB has worked in and has found problems, including some multistate issues. However, there are no NESHAP 6B inspections scheduled for FY20 at this time.

Another ongoing area of interest for the AEB is the MON wastewater requirements. For FY20, the targeted facility for the MON inspection is Axiall, located in Aberdeen. Jay Barkley stated that he could not remember the facility having a history of compliance problems, but he would make a 5-year look-back and let AEB know if he finds anything. He also stated that he did not have a recommendation for other MON inspections at this time but would look to see if anything jumps out at him.

Todd Russo stated that EPA HQ is also considering including MACT Subpart DD for solvent recovery under excess emissions. However, AEB has not found any sources subject to the

regulation in MS. MDEQ stated that they would investigate if there are any facilities subject to Subpart DD and would get back with AEB on the results.

2. The second area was Stopping After Market Defeat Devices. Todd Groendyke stated that EPA will be inspecting in this area and will be using online searches to find the operations. The targets for this area are facilities that actively sell and install defeat devices. Many of these locations can be found by searching for “diesel performance” and “diesel tuning.” Jay Barkley stated that MDEQ will occasionally get complaints and forward them over to Region 4. Todd stated that they are going after the shop level operations that are selling, installing and straight piping exhaust systems. MDEQ does not have emission inspections so they are not doing too much with mobile sources. However, Chad LaFontaine stated that some people in the state legislature have expressed concerns that reputable shops are worried that they are getting vehicles to work on that have already had their emission controls removed and they don’t want the liability associated with working on noncompliant vehicles. Todd Groendyke stated that EPA is going after the direct tampering of diesel controls. Todd G. stated that he would send some hand-outs to MDEQ for distribution. Todd G. also noted that EPA is not going after individuals that purchase vehicles that have already been tampered with. This program was administered by OECA, but it has now been transferred to the regions. MDEQ stated that they would like notice of the inspections and to provide notice to Chad LaFontaine.
3. Reducing Risk of Accidental Releases. This is primarily the RMP program. MDEQ has delegation of the program and it is administered by Chad and Melissa Fortenberry’s group in the Air Division. The program had a reboot about 2 years ago, defining its delegation authority as more compliance assistance than enforcement. MDEQ definitely wants to know when EPA is coming, what issues are found and that the company knows what issues they are facing. They want to make sure that the facility knows how MDEQ defines its authority and that there could be more to an EPA inspection and enforcement action, especially in the area of GDC. MDEQ will target 50% of the RMP facilities but typically will cover 30 – 40%. There are 3 people working on RMP, but they also have other duties. RMP is about 50% of their job. AEB stated that there could be inspections for RMP coming up in FY20. There is a preliminary list of facilities but that may change based on HQ sending out an updated listing in December. AEB went through the preliminary listing of facilities targeted for RMP inspections. Chad stated that he wants to coordinate with AEB and have a pre-inspection briefing. MDEQ would also like to accompany AEB on the inspections. Chad also stated that he would look to see if he has any other facilities that he would recommend for an EPA inspection.
4. Other Regional AEB Activities
 - a. Mobile Source Imports – this area targets uncertified engines being brought into the country that are noncompliant with the EPA emission standards. AEB inspects suspected imports at the ports and with the help of Customs and Border Protection (CBP). AEB has not done any physical inspections at Pascagoula but it has been monitored. Todd G. explained that there is a complex targeting system that is used by CBP. Gulfport would also be a port of interest.

- b. Asbestos – MDEQ has delegation for the Asbestos NESHAP and AHERA. Dan Jackson had the program, but he retired in June. He will be replaced in the very near future. The program is designated for asbestos and lead as shared duties. Chad will be the point of contact, but Tommy Moody is the manager of the group. MDEQ also stated that they may get EPA involved in an issue with a company that shutdown and reopened across state lines to operate again.
- c. EPCRA – this is a federally implemented program and is typically done as part of the RMP program. AEB will coordinate inspections with Chad.
- d. Shredders – AEB has an inspector from R5 on detail that has been conducting shredder inspections. The focus is on PM and VOC emissions based on the SIP standards and under reporting of emissions using faulty emission estimates. The results are still being evaluated. Right now, the focus is on compliance determinations for the inspections that were conducted and, if problems are found, this area will continue to be inspected.
- e. General Duty 112r – targeting ammonia refrigeration facilities that are reporting slightly below the 10,000 lb RMP threshold. This is a federally implemented program.
- f. Energy Extraction – this is now combined with the air toxics excess emissions. The focus for FY20 is on NSPS OOOO and OOOOa. This is another continuing area for AEB. There have been 14 well site inspections in MS under this area and they are awaiting a compliance determination. There are currently no inspections planned for FY20 at this time.
- g. Lead – this is not an NCI area, but EPA is looking at lead sources in each state. Asked if there were any sources that came to mind in MS, MDEQ stated that Olin Corporation Winchester, located in Oxford, MS, manufactures ammunition and is a large facility. This may be a lead source of interest to EPA. Otherwise, there are no other lead facility recommendations for MDEQ.
- h. Open Discussion –
 - i. AEB offered assistance with the FLIR and other field equipment, if it is needed.
 - ii. Training – AEB will send the current FY19 training schedule from David Abbott. It was also mentioned that this would be a good time to make suggestions for the FY20 training schedule since it is currently being developed. MDEQ stated that AEB can communicate with Melissa Fortenberry on training.

To Do List

1. Send Chad LaFontaine the after-market defeat device brochures/handouts.
2. Follow up with MDEQ on any sources subject to MACT Subpart DD.
3. Follow up with MDEQ on the asbestos case involving the company that shutdown and started back up across state lines.
4. Send the David Abbott's training schedule.